

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RIC SZABO,

Plaintiff,

v.

MUNCY INDUSTRIES, LLC,

Defendant.

No. 4:21-CV-00468

(Chief Judge Brann)

ORDER

MARCH 10, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant Muncy Industries, LLC's motion for summary judgment (Doc. 36) is **DENIED**.
2. Plaintiff Ric Szabo's motion for partial summary judgment (Doc. 35) is **GRANTED**. Accordingly, the Court concludes as a matter of law that:
 - a. Szabo is not employed in a *bona fide* executive capacity under 29 U.S.C. § 213(a)(1).
 - b. Szabo is not employed in a *bona fide* professional capacity under § 213(a)(1).

3. A telephonic status conference call with counsel of record will be scheduled by separate order.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge